

## Senate Bill No. 2030

### CHAPTER 1006

An act to amend Sections 6706, 6710, 6712, 6714, 6717, 6730.2, 6735, 6735.3, 6735.4, 6738, 6741, 6755.1, 6756, 6760, 6776, 6787, 8708, 8729, 8741.1, 8747, 8751, 8753, 8773.4, 8775, 8781, and 8792 of, to add Sections 6704.1, 6731.5, 6731.6, 6763.1, 6775.1, and 8780.1 to, and to repeal Sections 6735.2 and 6755.2 of, the Business and Professions Code, relating to professional engineers and land surveyors.

[Approved by Governor September 29, 2000. Filed  
with Secretary of State September 30, 2000.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 2030, Figueroa. Engineers and land surveyors.

(1) Existing law establishes within the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors that is empowered to adopt rules and regulations governing the regulation and the registration and licensure of engineers and land surveyors. Under existing law, the provisions creating the board and enumerating some of its powers will become inoperative on July 1, 2001, and will be repealed on January 1, 2002.

This bill would change these dates, making these provisions become inoperative on July 1, 2002, and repealing these provisions on January 1, 2003.

(2) Existing law provides for the licensing and regulation of engineers and land surveyors. Existing law permits the Board for Professional Engineers and Land Surveyors to determine the scope of practice for electrical and mechanical engineers.

This bill would delete that authority, and would describe the scope of practice of those 2 branches of engineering.

This bill would require the department to review certain engineering branch title acts to determine whether to eliminate or convert any of them to practice acts and report its findings and recommendations to the Legislature by September 1, 2001.

(3) Existing law makes a violation of the regulatory provisions of the Professional Engineers Act and the Professional Land Surveyor's Act a misdemeanor.

This bill would make practicing as a professional engineer or a land surveyor with a suspended certificate a misdemeanor. This bill would also make representing oneself as a professional land surveyor, licensed land surveyor, or land surveyor, without having been licensed or certified, or acting as a manager, proprietor, or agent in a place of business performing land surveying work, except as specifically permitted, a misdemeanor.

(4) Under existing law, a registered civil engineer is not responsible for damages caused by subsequent changes to or uses of civil engineering plans, specifications, or reports that the registered civil engineer signed if he or she did not authorize the subsequent changes or uses and the engineering service he or she provided was not also a proximate cause of the damage.

This bill would apply these provisions to electrical and mechanical engineers so that they would not be responsible for damages caused, respectively, by subsequent changes to or uses of electrical or mechanical plans, specifications, or reports that they had signed if they did not authorize the subsequent changes or uses, and the engineering service they provided was not also a proximate cause of the damage.

(5) Existing law generally requires registration by the Board for Professional Engineers and Land Surveyors within the Department of Consumer Affairs in order to lawfully practice in this state as a civil, electrical, or mechanical engineer. Under existing law, an exemption from this registration requirement is made for a nonresident person, firm, partnership, or corporation who is legally qualified in another state to practice civil engineering and only offers to, but does not practice, civil engineering in this state and who meets other specified requirements.

This bill would extend this same registration exemption to a nonresident person, firm, partnership, or corporation who is legally qualified in another state to practice electrical or mechanical engineering and only offers to, but does not practice, electrical or mechanical engineering in this state.

(6) Under existing law, the examinations administered by the board for registration as a professional engineer and for licensure as a professional land surveyor consist of 2 divisions, the 2nd of which includes questions to test the applicant's knowledge of state laws and the board's rules and regulations. Existing law requires that these questions be based upon information contained in a pamphlet prepared and distributed by the board to the applicants.

This bill would delete the requirement that the 2nd division of the examinations be based upon the information contained in this pamphlet.

(7) Under existing law, the board may issue to applicants who are legally qualified to practice as a professional engineer or as a land surveyor in another state or country a temporary authorization, for a period of 60 consecutive days, to practice as a professional engineer or a professional land surveyor for a specific project in this state. Under existing law, the board may extend the temporary authorization for a period not to exceed 120 consecutive days.

This bill would make the duration of the temporary authorization a period not to exceed 180 days upon its issuance; would require the applicant to pass the second division portion of the registration or

licensure examination that covers state laws and the board's rules and regulations; would require the applicant to notify the board of the approximate commencement date and duration of the specific project for which the temporary authorization to practice is requested; and would specify that the applicant is required to demonstrate to the board knowledge in his or her particular profession as it relates to the specific project for which the temporary authorization to practice is sought.

(8) Under existing law, the board is authorized to take disciplinary action against registered professional engineers and licensed land surveyors for specified acts of misconduct. Existing law also authorizes the board to issue to applicants who have passed the first division of the examination for registration as a professional engineer or licensure as a land surveyor, an engineer-in-training certificate or a land surveyor-in-training certificate, respectively. Under existing law, the engineer-in-training certificate becomes invalid upon the holder being registered with the board as a professional engineer.

This bill would authorize the board to receive and investigate complaints concerning persons holding these certificates and to take disciplinary action against them for specified acts of misconduct. This bill would also make the land surveyor-in-training certificate invalid upon the holder being licensed by the board as a land surveyor.

(9) Existing law prohibits any person who is not licensed under the provisions of the Professional Land Surveyors Act from using specified professional titles and makes a violation of this provision a crime.

This bill would additionally prohibit an unlicensed person from using any combination or abbreviation of the words in these professional titles. By adding this provision, this bill would expand the scope of an existing crime and thereby impose a state-mandated local program.

(10) Existing law provides a "good samaritan" immunity with respect to liability in negligence for personal injury, wrongful death, or property damage for an engineer, who voluntarily and without compensation provides structural inspection services at the scene of a declared national, state, or local emergency caused by earthquake at the request of certain public officials. This bill would expand this immunity to also apply to declared emergencies involving flood, riot, or fire.

(11) Existing law regulates the use of certain professional titles relative to engineering and land surveying.

This bill would make various changes to these provisions.

(12) Existing law exempts an architect who holds an appropriate certificate from registration under the Professional Engineers' Act insofar as he or she is practicing architecture.



This bill in this regard would provide that an architect may not use various professional engineering titles, unless he or she holds a license issued by the board.

(13) Existing law specifies various violations under both acts that are misdemeanors.

This bill would make various changes to these provisions.

(14) Existing law requires that 5 of the 13 board members be registered under this chapter.

This bill would require that one of those members be from a local public agency and that one be from a state agency.

(15) Existing law requires a person who wants to use the title “structural engineer” to submit an application to the board and pay a fee.

This bill would require an applicant to have successfully passed a written national examination and a supplemental California specific examination.

This bill would make other related changes.

Because a violation of certain provisions of this bill would be a crime, this bill would impose a state-mandated local program by expanding the definition of a crime.

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 6704.1 is added to the Business and Professions Code, to read:

6704.1. (a) The Department of Consumer Affairs, in conjunction with the board, and the Joint Legislative Sunset Review Committee shall review the engineering branch titles specified in Section 6732 to determine whether certain title acts should be eliminated from this chapter, retained, or converted to practice acts similar to civil, electrical, and mechanical engineering, and whether supplemental engineering work should be permitted for all branches of engineering. The department shall contract with an independent consulting firm to perform this comprehensive analysis of title act registration.

(b) The independent consultant shall perform, but not be limited to, the following: (1) meet with representatives of each of the engineering branches and other professional groups; (2) examine the type of services and work provided by engineers in all branches of engineering and interrelated professions within the marketplace, to determine the interrelationship that exists between the various

branches of engineers and other interrelated professions; (3) review and analyze educational requirements of engineers; (4) identify the degree to which supplemental or “overlapping” work between engineering branches and interrelated professions occurs; (5) review alternative methods of regulation of engineers in other states and what impact the regulations would have if adopted in California; (6) identify the manner in which local and state agencies utilize regulations and statutes to regulate engineering work; and, (7) recommend changes to existing laws regulating engineers after considering how these changes may effect the health, safety, and welfare of the public.

(c) The board shall reimburse the department for costs associated with this comprehensive analysis. The department shall report its findings and recommendations to the Legislature by September 1, 2001.

SEC. 2. Section 6706 of the Business and Professions Code is amended to read:

6706. (a) An engineer who voluntarily, without compensation or expectation of compensation, provides structural inspection services at the scene of a declared national, state, or local emergency caused by a flood, riot, fire, or earthquake at the request of a public official, public safety officer, or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury, wrongful death, or property damage caused by the engineer’s good faith but negligent inspection of a structure used for human habitation or owned by a public entity for structural integrity or nonstructural elements affecting life and safety.

The immunity provided by this section shall apply only for an inspection that occurs within 30 days of the declared emergency.

Nothing in this section shall provide immunity for gross negligence or willful misconduct.

(b) As used in this section:

(1) “Engineer” means a person registered under this chapter as a professional engineer, including any of the branches thereof.

(2) “Public safety officer” has the meaning given in Section 3301 of the Government Code.

(3) “Public official” means a state or local elected officer.

SEC. 3. Section 6710 of the Business and Professions Code is amended to read:

6710. (a) There is in the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors, which consists of 13 members.

(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors is deemed to refer to the Board for Professional Engineers and Land Surveyors.

(c) This section shall become inoperative on July 1, 2002, and, as of January 1, 2003, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2003, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473). However, the review of the board shall be limited to only those unresolved issues identified by the Joint Legislative Sunset Review Committee.

SEC. 4. Section 6712 of the Business and Professions Code is amended to read:

6712. All appointments to the board shall be for a term of four years. Vacancies shall be filled by appointment for the unexpired term. Each appointment thereafter shall be for a four-year term expiring on June 1 of the fourth year following the year in which the previous term expired.

Each member shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. No person shall serve as a member of the board for more than two consecutive terms.

The Governor shall appoint professional members so that one is licensed to practice engineering as a civil engineer, one as an electrical engineer, one as a mechanical engineer, another is authorized to use the title of structural engineer, and one is a member of one of the remaining branches of engineering. One of the professional members registered under this chapter shall be from a local public agency, and one shall be from a state agency.

The Governor shall appoint five of the public members and the professional members qualified as provided in Section 6711. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member.

SEC. 5. Section 6714 of the Business and Professions Code is amended to read:

6714. The board shall appoint an executive officer at a salary to be fixed and determined by the board with the approval of the Director of Finance.

This section shall become inoperative on July 1, 2002, and, as of January 1, 2003, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2003, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 6717 of the Business and Professions Code is amended to read:

6717. The board may, by regulation, define the scope of each branch of professional engineering other than civil, electrical, and mechanical engineering for which registration is provided under this chapter.



SEC. 7. Section 6730.2 of the Business and Professions Code is amended to read:

6730.2. It is the intent of the Legislature that the registration requirements which are imposed upon private sector professional engineers and engineering partnerships, firms, or corporation shall be imposed upon the state and any city, county, or city and county which shall adhere to those requirements. Therefore, for the purposes of Section 6730 and this chapter, at least one registered engineer shall be designated the person in responsible charge of professional engineering work for each branch of professional engineering practiced in any department or agency of the state, city, county, or city and county.

Any department or agency of the state or any city, county, or city and county which has an unregistered person in responsible charge of engineering work on January 1, 1985, shall be exempt from this requirement until that time as the person currently in responsible charge is replaced.

SEC. 8. Section 6731.5 is added to the Business and Professions Code, to read:

6731.5. (a) Electrical engineering is that branch of professional engineering described in Section 6734.1 that embraces studies or activities relating to the generation, transmission, and utilization of electrical energy, including the design of electrical, electronic, and magnetic circuits, and the technical control of their operation and of the design of electrical gear. It is concerned with the research, organizational, and economic aspects of the above.

(b) The design of electronic and magnetic circuits is not exclusive to the practice of electrical engineering, as defined in subdivision (a).

SEC. 9. Section 6731.6 is added to the Business and Professions Code, to read:

6731.6. Mechanical engineering is that branch of professional engineering described in Section 6734.2 that deals with engineering problems relating to generation, transmission, and utilization of energy in the thermal or mechanical form and also with engineering problems relating to the production of tools, machinery, and their products, and to heating, ventilation, refrigeration, and plumbing. It is concerned with the research, design, production, operational, organizational, and economic aspects of the above.

SEC. 10. Section 6735 of the Business and Professions Code is amended to read:

6735. (a) All civil (including structural and geotechnical) engineering plans, calculations, specifications, and reports (hereinafter referred to as "documents") shall be prepared by, or under the responsible charge of, a registered civil engineer, and shall include his or her license number. Interim documents shall include a notation as to the intended purpose of the document, such as "preliminary," "not for construction," "for plan check only," or "for

review only.” All civil engineering plans and specifications that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the registrant, the date of signing and sealing or stamping, and the expiration date of the certificate or authority. All final civil engineering calculations and reports shall bear the signature and seal or stamp of the registrant, the date of signing and sealing or stamping, and the expiration date of the certificate or authority. If civil engineering plans are required to be signed and stamped or sealed and have multiple sheets, the signature, seal or stamp, date of signing and sealing or stamping, and expiration date of the certificate or authority shall appear on each sheet of the plans. If civil engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal, or stamp, date of signing and sealing or stamping, and expiration date of the certificate or authority shall appear at a minimum on the title sheet, cover sheet, or signature sheet.

(b) Notwithstanding subdivision (a), a registered civil engineer who signs civil engineering documents shall not be responsible for damage caused by subsequent changes to or uses of those documents, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the registered engineer who originally signed the documents, provided that the engineering service rendered by the civil engineer who signed the documents was not also a proximate cause of the damage.

SEC. 11. Section 6735.2 of the Business and Professions Code is repealed.

SEC. 12. Section 6735.3 of the Business and Professions Code is amended to read:

6735.3. (a) All electrical engineering plans, specifications, calculations, and reports (hereinafter referred to as “documents”) prepared by, or under the responsible charge of a registered electrical engineer shall include his or her name and license number. Interim documents shall include a notation as to the intended purpose of the document, such as “preliminary,” “not for construction,” “for plan check only,” or “for review only.” All electrical engineering plans and specifications that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the registrant, the date of signing and sealing or stamping, and the expiration date of the registration. All final electrical engineering calculations and reports shall bear the signature and seal or stamp of the registrant, the date of signing and sealing or stamping, and the expiration date of the registration. If electrical engineering plans are required to be signed and sealed or stamped and have multiple sheets, the signature, seal or stamp, date of signing and sealing or stamping, and the expiration date of the certificate of registration shall appear on each sheet of the plans.



(b) Notwithstanding subdivision (a), a registered electrical engineer who signs electrical engineering documents shall not be responsible for damage caused by subsequent changes to or uses of those documents, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the registered engineer who originally signed the documents, provided that the engineering service rendered by the electrical engineer who signed the documents was not also a proximate cause of the damage.

SEC. 13. Section 6735.4 of the Business and Professions Code is amended to read:

6735.4. (a) All mechanical engineering plans, specifications, calculations, and reports (hereinafter referred to as “documents”) prepared by, or under the responsible charge of, a registered mechanical engineer shall include his or her name and license number. Interim documents shall include a notation as to the intended purpose of the document, such as “preliminary,” “not for construction,” “for plan check only,” or “for review only.” All mechanical engineering plans and specifications shall bear the signature and seal or stamp of the registrant, the date of signing and sealing or stamping, and the expiration date of the registration. All final mechanical engineering calculations and reports shall bear the signature and seal or stamp of the registrant, the date of signing and sealing or stamping, and the expiration date of the registration. If mechanical engineering plans are required to be signed and sealed or stamped and have multiple sheets, the signature, seal or stamp, date of signing and sealing or stamping, and the expiration date of the certificate of registration shall appear on the plans. If mechanical engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal, or stamp, date of signing and sealing or stamping, and expiration date of the certificate or authority shall appear at a minimum on the title sheet, cover sheet, or signature sheet.

(b) Notwithstanding subdivision (a), a registered mechanical engineer who signs mechanical engineering documents shall not be responsible for damage caused by subsequent changes to or uses of those documents, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the registered engineer who originally signed the documents, provided that the engineering service rendered by the mechanical engineer who signed the documents was not also a proximate cause of the damage.

SEC. 14. Section 6738 of the Business and Professions Code is amended to read:

6738. (a) This chapter does not prohibit one or more civil, electrical, or mechanical engineers from practicing or offering to practice within the scope of their registration, civil, electrical, or



mechanical engineering as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if all of the following requirements are met:

(1) A civil, electrical, or mechanical engineer currently registered in this state is an owner, part owner, or officer in charge of the engineering practice of the business.

(2) All engineering plans, specifications, reports, and documents are prepared under the responsible charge of a registered engineer in the appropriate branch of professional engineering.

(3) The business name of a California business shall only contain the name of any person who is registered by the board in a branch of professional engineering, a licensed land surveyor, a licensed architect, or a geologist registered under the Geologist Act (Chapter 12.5 (commencing with Section 7800)). Any offer, promotion, or advertisement by the business which contains the name of any individual in the business, other than by use of the name of an individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(b) An out-of-state business with a branch office in this state shall meet the requirements of subdivision (a) and shall have a part owner or officer who is in charge of the engineering work in the branch in this state, who is registered in this state, and who is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the name of any person not registered in this state if that person is appropriately registered in another state. Any offer, promotion, or advertisement which contains the name of any individual in the business, other than by use of the names of the individuals in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(c) A fictitious name may be used for an engineering business if (1) the name does not conflict with paragraph (3) of subdivision (a) requiring that names used in the business name shall be appropriately registered individuals, and (2) an organization record form is filed with the board.

(d) A nonregistered person may also be a part owner or an officer of a civil, electrical, or mechanical engineering business if the requirements of subdivision (a) are met.

(e) This chapter does not prevent an individual or business engaged in any line of endeavor other than the practice of civil, electrical, or mechanical engineering from employing or contracting with a registered civil, electrical, or mechanical engineer to perform the respective engineering services incidental to the conduct of business.

(f) This section shall not prevent the use of the name of any business engaged in rendering civil, electrical, or mechanical

engineering services, including the use by any lawful successor or survivor, which lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision (a), and the business shall file an organization record form with the board as designated by board rule.

(g) A business engaged in rendering civil, electrical, or mechanical engineering services may use in its name the name of a deceased or retired person provided all of the following conditions are satisfied:

(1) The person's name had been used in the name of the business, or a predecessor in interest of the business, prior to and after the death or retirement of the person.

(2) The person shall have been an owner, part owner, or officer of the business, or an owner, part owner, or officer of the predecessor in interest of the business.

(3) The person shall have been licensed as a professional engineer, or a land surveyor, or an architect, or a geologist, (A) by the appropriate licensing board if that person is operating a place of business or practice in this state, or (B) by the applicable state board in the event no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another professional engineering business in this state during the period of the consent. However, the retired person may use his or her name as the name of a new or purchased business if it is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to the provisions of paragraphs (1) and (2) of subdivision (a).

(6) The business files a current organization record form with the board.

(h) This section does not affect the provisions of Sections 6731.2 and 8726.1.

SEC. 15. Section 6741 of the Business and Professions Code is amended to read:

6741. Any person, firm, partnership, or corporation is exempt from registration under the provisions of this chapter who meets all the following:

(a) Is a nonresident of the State of California.

(b) Is legally qualified in another state to practice as a civil, electrical, or mechanical engineer.

(c) Does not maintain a regular place of business in this state.

(d) Offers to but does not practice civil, electrical, or mechanical engineering in this state.

SEC. 16. Section 6755.1 of the Business and Professions Code is amended to read:

6755.1. (a) The second division of the examination for registration as a professional engineer shall include questions to test

the applicant's knowledge of state laws and the board's rules and regulations regulating the practice of professional engineering. The board shall prepare and distribute to applicants for the second division of the examination, a plain language pamphlet describing the provisions of this chapter and the board's rules and regulations regulating the practice of professional engineering in this state. The board shall administer the test on state laws and board rules regulating the practice of engineering in this state as a separate part of the second division of the examination for registration as a professional engineer.

(b) On and after April 1, 1988, the second division of the examination for registration as a civil engineer shall also include questions to test the applicant's knowledge of seismic principles and engineering surveying principles as defined in Section 6731.1. No registration for a civil engineer shall be issued by the board on or after January 1, 1988, to any applicant unless he or she has successfully completed questions to test his or her knowledge of seismic principles and engineering surveying principles.

The board shall administer the questions to test the applicant's knowledge of seismic principles and engineering surveying principles as a separate part of the second division of the examination for registration as a civil engineer.

It is the intent of the Legislature that this section confirm the authority of the board to issue registrations prior to April 1, 1988, to applicants based on examinations not testing the applicant's knowledge of seismic principles and engineering surveying principles as defined in Section 6731.1.

SEC. 17. Section 6755.2 of the Business and Professions Code is repealed.

SEC. 18. Section 6756 of the Business and Professions Code is amended to read:

6756. (a) An applicant for certification as an engineer-in-training shall, upon making a passing grade in that division of the examination prescribed in Section 6755 of this chapter, relating to fundamental engineering subjects, be issued a certificate as an engineer-in-training. No renewal or other fee, other than the application fee, shall be charged for this certification. The certificate shall become invalid when the holder has qualified as a professional engineer as provided in Section 6762 of this chapter.

(b) An engineer-in-training certificate does not authorize the holder thereof to practice or offer to practice civil, electrical or mechanical engineering work, in his own right, or to use the titles specified in Sections 6732 and 6763.

(c) No person shall use the title of engineer-in-training, or any abbreviation of that title, unless he or she is the holder of a valid engineer-in-training certificate.



SEC. 19. Section 6760 of the Business and Professions Code is amended to read:

6760. A temporary authorization to practice engineering in a branch defined by this chapter may be granted for a specific project, upon application and payment of the fee prescribed in Section 6799, for a period not to exceed 180 consecutive days, if the applicant complies with all of the following:

(a) The applicant maintains no place of business in this state.

(b) The applicant is legally qualified to practice the branch of engineering in which he or she is seeking the temporary authorization in the state or country where he or she maintains a place of business.

(c) (1) The applicant, if applying for a temporary authorization to practice civil engineering, demonstrates by means of an individual appearance before the board satisfactory evidence of his or her knowledge of the application of seismic forces in the design of structures or adequate knowledge in any of the other phases of civil engineering as related to the specific project for which the temporary authorization is requested.

(2) The applicant, if applying for a temporary authorization to practice engineering in a branch defined by this chapter other than civil engineering, demonstrates by means of an individual appearance before the board, satisfactory evidence of his or her knowledge in the branch of professional engineering in which the applicant proposes to practice under the temporary authorization as related to the specific project for which the temporary authorization is requested.

(d) The applicant takes and passes the examination in the state laws and board rules described in Section 6755.1.

(e) The applicant notifies the board in writing of his or her intention to practice, stating the approximate date he or she intends to commence the specific project and the approximate duration of the specific project, which shall not exceed 180 consecutive days from the commencement date of the specific project.

Upon completion of the requirements, the executive officer, on the direction of the board, shall issue a temporary authorization to the applicant.

SEC. 20. Section 6763.1 is added to the Business and Professions Code, to read:

6763.1. An applicant to use the title “structural engineer” shall have successfully passed a written examination that incorporates a national examination for structural engineering by a nationally recognized entity approved by the board, if available, and a supplemental California specific examination. The California specific examination shall test the applicant’s knowledge of state laws, rules, and regulations, and of seismicity and structural

engineering unique to practice in this state. The board shall use the national examination on or before December 31, 2004.

SEC. 21. Section 6775.1 is added to the Business and Professions Code, to read:

6775.1. The board may receive and investigate complaints against engineers-in-training, and make findings thereon.

By a majority vote, the board may revoke the certificate of any engineer-in-training:

(a) Who has been convicted of a crime as defined in subdivision (a) of Section 480.

(b) Who has been found guilty of any fraud, deceit, or misrepresentation in obtaining his or her engineer-in-training certificate or certificate of registration, certification, or authority as a professional engineer.

(c) Who aids or abets any person in the violation of any provision of this chapter.

(d) Who violates Section 119 with respect to an engineer-in-training certificate or commits any act described in Section 6787.

(e) Who violates any provision of this chapter.

SEC. 22. Section 6776 of the Business and Professions Code is amended to read:

6776. The proceedings under this article shall be conducted in accordance with Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 23. Section 6787 of the Business and Professions Code is amended to read:

6787. Every person is guilty of a misdemeanor:

(a) Who, unless he or she is exempt from registration under this chapter, practices or offers to practice civil, electrical, or mechanical engineering in this state according to the provisions of this chapter without legal authorization.

(b) Who presents or attempts to file as his or her own the certificate of registration of a licensed professional engineer unless he or she is the person named on the certificate of registration.

(c) Who gives false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.

(d) Who impersonates or uses the seal of a licensed professional engineer.

(e) Who uses an expired, suspended, or revoked certificate issued by the board.

(f) Who represents himself or herself as, or uses the title of, registered civil, electrical, or mechanical engineer, or any other title whereby that person could be considered as practicing or offering to



practice civil, electrical, or mechanical engineering in any of its branches, unless he or she is correspondingly qualified by registration as a civil, electrical, or mechanical engineer under this chapter.

(g) Who, unless appropriately registered, manages, or conducts as manager, proprietor, or agent, any place of business from which civil, electrical, or mechanical engineering work is solicited, performed, or practiced, except as authorized pursuant to subdivision (d) of Section 6738 and Section 8726.1.

(h) Who uses the title, or any combination of that title, of “professional engineer,” “licensed engineer,” “registered engineer,” or the branch titles specified in Section 6732, or the authority titles specified in Section 6763, or “engineer-in-training,” or who makes use of any abbreviation of that title that might lead to the belief that he or she is a registered engineer or holds a certificate as an engineer-in-training, without being registered or certified as required by this chapter.

(i) Who uses the title “consulting engineer” without being registered as required by this chapter or without being authorized to use that title pursuant to legislation enacted at the 1963, 1965 or 1968 Regular Session.

(j) Who violates any provision of this chapter.

SEC. 24. Section 8708 of the Business and Professions Code is amended to read:

8708. In order to safeguard property and public welfare, no person shall practice land surveying unless appropriately licensed or specifically exempted from licensure under this chapter, and only persons licensed under this chapter shall be entitled to take and use the titles “licensed land surveyor,” “professional land surveyor,” or “land surveyor,” or any combination of these words, phrases, or abbreviations thereof.

SEC. 25. Section 8729 of the Business and Professions Code is amended to read:

8729. (a) This chapter does not prohibit one or more licensed land surveyors or civil engineers registered in this state prior to 1982 (hereinafter called civil engineers) from practicing or offering to practice within the scope of their licensure, land surveying as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if the following conditions are satisfied:

(1) A land surveyor or civil engineer currently licensed in the state is an owner, part owner, or officer in charge of the land surveying practice of the business.

(2) All maps, plats, reports, descriptions, or other documents are prepared under the responsible charge of a land surveyor or civil engineer.

(3) The business name of a California business shall only contain the name of a person licensed by the board as a land surveyor or registered by the board in any year as a civil engineer. Any offer,

promotion, or advertisement by the business which contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(b) An out-of-state business with a branch office in this state shall meet the requirements of subdivision (a) and shall have a part owner or officer who is in charge of the land surveying work in this state, who is licensed in this state, and who is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the name of a person not licensed in this state, if that person is appropriately licensed in another state. Any offer, promotion, or advertisement which contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(c) A fictitious name may be used for a land surveying business if (1) the name does not conflict with the provisions of paragraph (3) of subdivision (a) requiring that a name used in the business name shall be that of an appropriately licensed individual, and (2) an organization record is filed with the board.

(d) A nonregistered person may also be a part owner or an officer of a land surveying business if the conditions of subdivision (a) are satisfied.

(e) This chapter does not prevent an individual or business engaged in any line of endeavor, other than the practice of land surveying, from employing or contracting with a licensed land surveyor or a registered civil engineer to perform the respective land surveying services incidental to the conduct of business.

(f) This section shall not prevent the use of the name of any business engaged in rendering land surveying services, including the use by any lawful successor or survivor, which lawfully was in existence on June 1, 1941. However, the business is subject to the provisions of paragraphs (1) and (2) of subdivision (a) and the business shall file an organization record form with the board as designated by board rule.

(g) A business engaged in rendering land surveying services may use in its name the name of a deceased or retired person if the following conditions are satisfied:

(1) The person's name had been used in the name of the business, or a predecessor in interest of the business, prior to the death or retirement of the person.

(2) The person shall have been an owner, part owner, or officer of the business, or an owner, part owner, or officer of the predecessor in interest of the business.



(3) The person shall have been licensed as a land surveyor or a civil engineer by the board, if operating a place of business or practice in this state, or by an applicable state board in the event no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another land surveying business in this state during the period of that consent, except that a retired person may use his or her name as the name of a new or purchased business, if that business is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to paragraphs (1) and (2) of subdivision (a).

(6) The business files a current organization record form with the board.

(h) This section does not affect Sections 6731.2 and 8726.1.

SEC. 26. Section 8741.1 of the Business and Professions Code is amended to read:

8741.1. The second division of the examination for licensure as a land surveyor shall include an examination that incorporates a national examination for land surveying by a nationally recognized entity approved by the board, and a supplemental California specific examination. The California specific examination shall test the applicant's knowledge of the provisions of this chapter and the board's rules and regulations regulating the practice of professional land surveying in this state. The board shall prepare and distribute to applicants for the second division of the examination a plain language pamphlet describing the provisions of this chapter and the board's rules and regulations regulating the practice of land surveying in the state.

The board shall use the national examination on or before April 1, 2003. In the meantime, the board may continue to provide the current state-only second division examination and administer the test on the provisions of this chapter and board rules as a separate part of the second division examination for licensure as a land surveyor.

SEC. 27. Section 8747 of the Business and Professions Code is amended to read:

8747. Any applicant who has passed the examinations prescribed by the board shall have a suitable license issued to him or her.

(a) An applicant who has passed the first division of the examination shall be issued a certificate as a land surveyor-in-training. No renewal or other fee, other than the application fee, shall be charged for this certification. This certificate shall become invalid upon the person passing the second division of the examination and being issued a license as a land surveyor, as provided in subdivision (b). A land surveyor-in-training certificate shall not authorize the holder thereof to practice or offer to practice land surveying. No person shall use the title of land



surveyor-in-training, or any abbreviation of this title, unless he or she is the holder of a valid land surveyor-in-training certificate.

(b) An applicant who has passed the second division of the examination shall be issued a license as a land surveyor. The license shall authorize him or her to practice as a land surveyor.

SEC. 28. Section 8751 of the Business and Professions Code is amended to read:

8751. No person shall represent himself or herself as, or use the title of, or any abbreviation or combination of the words in the title of, professional land surveyor, licensed land surveyor, land surveyor, land survey engineer, survey engineer, geodetic engineer, or geometronic engineer unless he or she is the holder of a valid, unsuspended, and unrevoked license.

SEC. 29. Section 8753 of the Business and Professions Code is amended to read:

8753. A temporary authorization to practice as a professional land surveyor, as defined by this chapter, may be granted for a specific project, upon application and payment of the fee prescribed in Section 8805, for a period not to exceed 180 days, if the applicant complies with each of the following provisions:

(a) The applicant maintains no place of business in this state.

(b) The applicant is legally qualified to practice land surveying in the state or country where he or she maintains a place of business.

(c) The applicant demonstrates by means of an individual appearance before the board satisfactory evidence of his or her knowledge of the practice of land surveying in this state as related to the specific project for which the temporary authorization is requested.

(d) The applicant takes and passes the examination in the state laws and board rules described in Section 8741.1.

(e) The applicant notifies the board in writing of his or her intention to practice, stating the approximate date when he or she intends to commence the specific project and the approximate duration of the specific project, which shall not exceed 180 consecutive days from the commencement date of the specific project.

Upon completion of the requirements, the executive officer, on the direction of the board, shall issue a temporary authorization to the applicant.

SEC. 30. Section 8773.4 of the Business and Professions Code is amended to read:

8773.4. (a) No corner record shall be filed unless the same is signed by a licensed land surveyor or registered civil engineer and stamped with his or her seal, or in the case of an agency of the United States government or the State of California the certificate may be signed by the chief of the survey party making the survey, setting forth his or her official title.



(b) No corner record need be filed when:

(1) A corner record is on file and the corner is found as described in the existing corner record.

(2) All conditions of Section 8773 are complied with by proper notations on a record of survey map filed in compliance with the Land Surveyor's Act or a parcel or subdivision map, in compliance with the Subdivision Map Act.

(3) When the survey is a survey of a mobilehome park interior lot as defined in Section 18210 of the Health and Safety Code, provided that no subdivision map, official map, or record of survey has been previously filed for the interior lot or no conversion to residential ownership has occurred pursuant to Section 66428.1 of the Government Code.

This section shall not apply to maps filed prior to January 1, 1974.

SEC. 31. Section 8775 of the Business and Professions Code is amended to read:

8775. No person shall use the title or any abbreviation of the title photogrammetrist or photogrammetric surveyor unless he or she holds registration as a civil engineer or licensed land surveyor, or unless he or she is licensed as a photogrammetric surveyor.

SEC. 32. Section 8780.1 is added to the Business and Professions Code, to read:

8780.1. The board may receive and investigate complaints against land surveyors-in-training, and make findings thereon.

By a majority vote, the board may revoke the certificate of any land surveyor-in-training:

(a) Who has been convicted of a crime as defined in subdivision (a) of Section 480.

(b) Who has been found guilty of any fraud, deceit, or misrepresentation in obtaining his or her land surveyor-in-training certificate or license as a professional land surveyor.

(c) Who aids or abets any person in the violation of any provision of this chapter.

(d) Who violates Section 119 with respect to a land surveyor-in-training certificate or commits any act described in Section 8792.

(e) Any violation of any provision of this chapter.

SEC. 33. Section 8781 of the Business and Professions Code is amended to read:

8781. The proceedings under this article shall be conducted in accordance with Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 34. Section 8792 of the Business and Professions Code is amended to read:

8792. Every person is guilty of a misdemeanor:

(a) Who, unless he or she is exempt from licensing under this chapter, practices, or offers to practice, land surveying in this state without legal authorization.

(b) Who presents as his or her own the license of a professional land surveyor unless he or she is the person named on the license.

(c) Who attempts to file as his or her own any record of survey under the license of a professional land surveyor.

(d) Who gives false evidence of any kind to the board, or to any member, in obtaining a license.

(e) Who impersonates or uses the seal of a professional land surveyor.

(f) Who uses an expired, suspended, or revoked license.

(g) Who represents himself or herself as, or uses the title of, professional land surveyor, or any other title whereby that person could be considered as practicing or offering to practice land surveying, unless he or she is correspondingly qualified by licensure as a land surveyor under this chapter.

(h) Who uses the title, or any combination of that title, of “professional land surveyor,” “licensed land surveyor,” “land surveyor,” or the titles specified in Sections 8751 and 8775, or “land surveyor-in-training,” or who makes use of any abbreviation of that title that might lead to the belief that he or she is a licensed land surveyor or holds a certificate as a land surveyor-in-training, without being licensed or certified as required by this chapter.

(i) Who, unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed, or practiced, except as authorized pursuant to Section 6731.2 and subdivision (d) of Section 8729.

(j) Who violates any provision of this chapter.

SEC. 35. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

